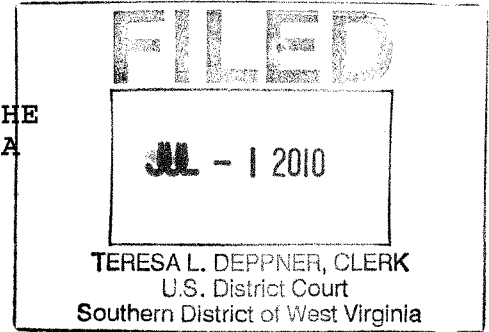


UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON



UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:10-CR-00102  
30 U.S.C. § 820(c)

EDWARD R. ELLIS, JR.

I N F O R M A T I O N

The United States Attorney Charges:

At all relevant times:

1. Aracoma Coal Company, Inc., was a West Virginia corporation engaged in the business of operating an underground coal mine near Logan, Logan County, West Virginia, known as Alma No. 1, whose products and operations affected commerce. As such, Aracoma Coal Company, Inc., was a corporate operator within the meaning of 30 U.S.C. § 802(d) and was subject to the provisions of the Federal Mine Safety and Health Act of 1977 and to the regulations and mandatory safety standards promulgated thereunder.

2. Aracoma Coal Company, Inc.'s Alma No. 1 mine was subject to the mandatory safety standards in 30 C.F.R., Part 75.

3. Among the mandatory safety standards to which Aracoma Coal Company, Inc.'s Alma No. 1 mine was subject was the requirement in 30 C.F.R. § 75.380(a) that it designate primary and secondary escapeways.

4. Also among the mandatory safety standards to which Aracoma Coal Company, Inc.'s Alma No. 1 mine was subject was the requirement in 30 C.F.R. § 75.383(b) that it conduct periodic escapeway drills.

5. Defendant EDWARD R. ELLIS, JR., was a foreman of the longwall section of the Alma No. 1 Mine and, as a supervisor of coal miners, was an agent of Aracoma Coal Company, Inc., within the meaning of 30 U.S.C. § 802(e).

6. Defendant EDWARD R. ELLIS, JR., was responsible for conducting the required escapeway drills in the longwall section in the Alma No. 1 mine.

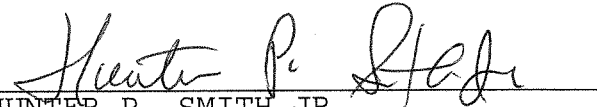
7. From in or about October 2005 through January 19, 2006, near Logan, Logan County, West Virginia, within the Southern District of West Virginia, defendant EDWARD R. ELLIS, JR. knowingly violated a mandatory safety standard by failing to conduct escapeway drills at Aracoma Coal Company, Inc.'s Alma No. 1 mine as required by 30 C.F.R. § 75.383(b).

In violation of Title 30, United States Code, Section 820(c).

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II  
United States Attorney

By:

  
HUNTER P. SMITH JR.  
Assistant United States Attorney

Date Filed: July 1, 2010